IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 215 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ASHWINBHAI BHAILALBHAI BIN MOTIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 215 of 2001

MR HM PARIKH for Petitioner No. 1

Mr.HH PATEL, A.P.P. for Respondent No. 1

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 13/07/2001

ORAL JUDGEMENT

1. This revision is directed against the order dated 27.4.2001 of the Addl. Sessions Judge, Nadiad, wherein while acquitting the revisionist he passed an order that the Passport of the revisionist, which was deposited,

shall be returned to him only after expiry of the period of Appeal.

2. Shri H.M.Parikh for the revisionist and Shri H.H.Patel, learned A.P.P. for the respondent have been heard. An Affidavit has been filed today by the learned A.P.P. indicating that against the order of acquittal of revisionist the State Government has not filed any Appeal nor is intending to file any Appeal.

3. Two important facts arising in this revision are noteworthy. The first thing is that the period of Appeal has been expired and the second thing is that the State Government is not intending to file Appeal nor has filed any Appeal. Thus, on these two facts even under the impugned order the Passport has to be returned to the the revisionist.

4. The third development which took place during the pendency of this revision is that on 31.5.2001 while admitting this revision this Court directed that the A.C.B., Nadiad, shall hand over the passport of the revisionist to the revisionist immediately on the revisionist filing an Undertaking before A.C.B., Nadiad to the effect that he will not leave the country before 30.6.2001. In view of above direction the passport has remained with the revisionist and is lying with him. Thus, for all purpose the passport has been delivered to the revisionist.

5. On the above facts the revision is disposed of with direction that in terms of the interim order the passport which has been delivered to the revisionist shall remain with him and further direction that the petitioner shall not leave the country before 30.6.2001 is hereby recalled.

sd/-

Date : July 13, 2001 (D. C. Srivastava, J.)

sas